

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

HARRY BRUMFIELD

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:22cv141LG-RHWR

ELIE BIRIHO

And INFOCOM USA, LLC

DEFENDANTS

NOTICE OF REMOVAL

TO: Connie Ladner
Circuit Court, Harrison County
1st District
P.O. Box 998
Gulfport, MS 39502

Chad D. Lederman (MSB #106311)
Dudley Debosier
622 Baronne St., NEW ORLEANS, LA 70113
Phone: 504-433-3333 Fax: 504-528-3069
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ATTORNEYS FOR PLAINTIFF

In accordance with 28 U.S.C. § 1332, 1441, and 1446, you are hereby notified that the named Defendants, Elie Biriho and Infocom USA, LLC, have removed this civil action from the Circuit Court of Harrison County, Mississippi, First Judicial District, to the United States District Court for the Southern District of Mississippi, Southern Division, and in support hereof would show unto the Court the following:

1. This action was filed in the Circuit Court of Harrison County, Mississippi, First Judicial District as Cause No. 24CI1:22-cv-00044. Plaintiff's Complaint names Elie Biriho and

Infocom USA, LLC as the Defendants. (See Ex. A, Complaint).

2. There is complete diversity of citizenship between the Plaintiff and named Defendants, Elie Biriho and Infocom USA, LLC. Plaintiff is an adult resident of the State of Louisiana, and thus a citizen of and domiciled in Louisiana. (See Ex. A, Complaint, para. 1). Defendant, Elie Biriho is an adult resident of Dallas, Texas, and thus a citizen of and domiciled in Texas. (See Ex. A, Complaint, para. 2). Defendant, Infocom USA, LLC is a foreign corporation organized under the laws of the State of Texas, with its principal place of business in Fort Worth, Texas and thus a citizen of and domiciled in Texas. (See Ex. A, Complaint, para. 3). Accordingly, this Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332.

3. The United States District Court for the Southern District of Mississippi, Southern Division, has original subject matter jurisdiction over this civil action because there is complete diversity among the parties, as noted, pursuant to 28 U.S.C. § 1332. No party properly joined as a Defendant is domiciled in the State of Mississippi nor has its principal place of business in the State of Mississippi. The amount in controversy in this civil action, exclusive of interest and costs, exceeds the sum of \$75,000.00. (See Ex. B, Plaintiff's Answers to Requests for Admissions dated May 16, 2022 (no Notice of Service filed)). Therefore, this action may be removed to this Court pursuant to 28 U.S.C. § 1441.

4. The amount in controversy in this civil action, exclusive of interest and costs, is in excess of the minimum jurisdictional amount of this Court. Per his Admitted Response to Request for Admission Number 1, Plaintiff seeks compensatory damages in excess of \$75,000.00, as noted above. *Id.* Therefore, this Court's minimal jurisdictional threshold is satisfied. 28 U.S.C. § 1332.

5. The alleged compensatory damages for Plaintiff was initially unknown from the

Complaint. (See Ex. A, Complaint). This Notice of Removal is timely filed because it has been filed within 30 days of receipt of Plaintiff's Answers to Requests for Admissions. (See Ex. B, Plaintiff's Answers to Requests for Admissions dated May 16, 2022 (no Notice of Service filed)). Further, it is filed within one year of the filing of the original Complaint. 28 U.S.C. § 1446(b).

6. This action is not one rendered non-removable by 28 U.S.C. § 1445.

7. Copies of all process, pleadings, and orders served on the Defendant in the State Court action are attached as Exhibit "C" to this Notice. Attached as Exhibit "D" is the Civil Cover Sheet.

8. A copy of the Notice of Removal is being served on the Plaintiff, by and through his attorney of record, and the Clerk of the Circuit Court of Harrison County, Mississippi, First Judicial District.

WHEREFORE, Elie Biriho and Infocom USA, LLC, serves this Notice and hereby removes this case pursuant to 28 U.S.C. § 1332, 1441, and 1446, and Plaintiff herein is notified to attempt to proceed no further in this case in the Circuit Court of Harrison County, Mississippi, First Judicial District unless by Order of the United States District Court for the Southern District of Mississippi, Southern Division.

RESPECTFULLY SUBMITTED, this the 8th day of JUNE, 2022.

ELIE BIRIHO and INFOCOM USA, LLC,
Defendants

BY: CARR ALLISON, Their Attorneys

BY: /s/ Nicole M. Harlan
DOUGLAS BAGWELL, MB #1682
NICOLE M. HARLAN, MB#105412

CERTIFICATE OF SERVICE

I, Douglas Bagwell/Nicole M. Harlan, of the firm Carr Allison, do hereby certify that I have this day emailed and mailed, by United States Mail, postage-prepaid, a true and correct copy of the foregoing *Notice of Removal* to the following:

Chad D. Lederman (MSB #106311)
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Email: RMLeBlanc@dudleydebosier.com

This the 8th day of JUNE, 2022.

/s/ Nicole M. Harlan
DOUGLAS BAGWELL, MB #1682
NICOLE M. HARLAN, MB #105412

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